

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC LOCKHART,) No. C 08-2935 JSW (PR)
Petitioner,)
vs.)
TONY HEDGPETH, Warden,)
Respondent.)

)

Petitioner, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. The case was stayed in January 2011 so that Petitioner could exhaust his new claims. On March 29, 2012, Petitioner moved to lift the stay in this case and filed an amended petition containing his newly-exhausted claims. On April 9, 2012, the stay was lifted and Respondent was ordered to show cause why the amended petition should not be granted. On April 18, 2012, Petitioner filed a “notice of abandonment” and accompanying declaration. These documents were signed by Petitioner on May 27, 2010, and Petitioner had previously filed them in this case in July 2010. As a result, this document appears to have been filed in error. If Petitioner truly wants to have this case dismissed instead of stayed, petitioner shall promptly file a motion for voluntary dismissal in this matter.

IT IS SO ORDERED.

DATED: April 26, 2012

Jeffrey S. White
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERIC LOCKHART,

Case Number: CV08-02935 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

TONY HEDGPETH et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 26, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric Lockhart V-17246
P.O. Box 290066
Represa, CA 95671-0066

Dated: April 26, 2012

Jennifer Ottolini
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk